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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/646,745 11/10/00 WENDT-GINSBERG

M STERFL/P007A

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QM12/0626

EXAMINER

NGUYEN, D

ART UNIT

PAPER NUMBER

3723

DATE MAILED:

06/26/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/646,745

Applicant(s)

WENDT-GINSBERG ET AL.

Examiner

Dung V Nguyen

Art Unit

3723

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 19-37 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 19-37 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claims ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 November 2000 is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 18) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: _____.

DETAILED ACTION

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the device, automatic acting clamping apparatus, eccentric clamping apparatus, centrifugal clamping apparatus, rapid clamping apparatus, socket connection bayonet connection, single-pitch screw, multi-pitch screw, single-pitch nut thread, multi-pitch nut thread, rectangular thread, trapezoidal thread must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 25, 26, 29, 30, 36 and 37 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The features such as an automatically acting clamping apparatus, an eccentric clamping apparatus, a centrifugal clamping apparatus, a socket connection, a bayonet connection, single-pitch screw and nut thread, multi-pitch screw and nut thread, a rectangular thread, a trapezoidal thread are not fully disclosed in the drawings and/or specification to enable one skilled in the

art to make and use the invention. How do these features relate to the flap-type grinding tool or how do these features connect the grinding tool to the driving apparatus?

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

Claims 19-22, 24, 27, 28, 34 and 35 are rejected under 35 U.S.C. 102(e) as being anticipated by Emerson (USPN 5,722,881). Emerson discloses a flap-type grinding tool 58 comprising an outer portion, a plurality of abrasive flaps 66 disposed on a periphery of the outer portion, a support body on which the abrasive flaps are fixed, a device for connecting the flap-type grinding tool 58 to a drive apparatus 21, wherein the support body has a rotationally symmetrical lateral surface on which the abrasive flaps 66 are fixed, a central element configured as a disk 60, a carrier ring 64 on radially outermost outside of the lateral surface is formed approximately parallel to the axis of rotation, the disk and carrier ring are produced of steel, the carrier ring and the disk are connected to one another by bonding, the abrasive flaps are disposed both on the periphery and on the end face of the flap-type grinding tool, the disk is configured as a rapid clamping apparatus (note Fig. 1-10, col. 2, line 66 to col. 5, line 3).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 23 and 32-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Emerson (USPN 5,722,881).

Regarding claims 23, 32 and 33, Emerson discloses the claimed invention as described above, however, Emerson does not disclose that the carrier ring and the disk are produced from different material or the support body is produced from a plastic resin, synthetic resin, hard paper, fiber material. It would have been obvious to one having ordinary skill in the art at the time the invention was made to select different material for the carrier ring and the disk or support body is produced from a plastic resin, synthetic resin, hard paper, fiber material, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. *In re Leshin*, 125 USPQ 416.

Regarding claim 31, Emerson discloses the claimed invention as described above, however, Emerson does not disclose that the device for connecting the flap-type grinding tool to a drive apparatus comprises a shaft connected to the support body, the shaft and the abrasive flaps are directly embedded to the support body and the support body integrally formed the disk and the carrier ring. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the shaft and the abrasive flaps are directly embedded to the support body and the support body

integrally formed the disk and the carrier ring, since it has been held that forming in one piece an article which has formerly been formed in two piece and put together involves only routine skill in the art. *In re Larson*, 144 USPQ 347 (CCPA 1965).

Conclusion

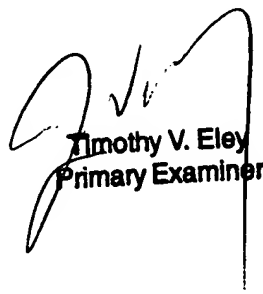
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Leistner, Eisenblatter and Williams are cited to show flap-type grinding tool.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dung V Nguyen whose telephone number is 703-305-0036. The examiner can normally be reached on M-F, 6:30-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph J Hail can be reached on 703-308-2687. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-3579 for regular communications and 703-305-3579 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1148.

DVN
June 19, 2001


Timothy V. Eley
Primary Examiner